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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number

09/930,329

Filing Date

August 14, 2001

First Named Inventor

Thomas H. Turpen

Group Art Unit

1653

Examiner Name

Samuel Liu

Total Number of Pages in This Submission

Attorney Docket Number

60-003703US

## ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☐ Amendment / Response
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/Incomplete Application
  - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Small Entity Statement
- ☐ Request for Refund

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter

☒ Additional Enclosure(s) (please identify below):

Communication form, PTO-1449 form, Copy of Cited References and receipt acknowledgment postcard

### Authorization to Charge Deposit Account

Please charge Deposit Account No. 50-0893 for any additional fees associated with this paper or during the pendency of this application, including any extensions of time for consideration of the documents enclosed.

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm  
or  
Individual name

Angela P. Horne, Ph.D., Reg. No. 41,079, Quine Intellectual Property Law Group, P.C.

Signature

Angela P. Horne, Ph.D.

Date

January 22, 2004

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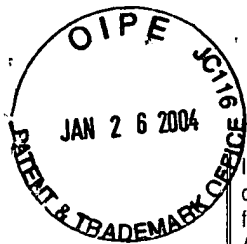
Evelyn Gomez

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Date

January 22, 2004



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QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.

By

Evelyn Gomez

Attorney Docket No. 60-003703US  
Client Ref. No. 0103.00DVUS02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Thomas H. Turpen, et al.

Application No.: 09/930,329

Filed: August 14, 2001

For: VIRAL AMPLIFICATION OF  
RECOMBINANT MESSENGER RNA  
IN TRANSGENIC PLANTS

Examiner: Samuel Liu

Art Unit: 1633

Communication

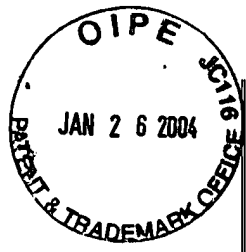
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Sir:

As requested by the Examiner, encloses are copies of the references cited on the PTO-1449 form originally submitted on July 8, 2002 in the above cited application. A fresh copy of the Form 1449 is also provided for the Examiner's convenience.

It is respectfully requested that the cited information in the Form 1449 form(s) be expressly considered during the prosecution of this application, and that references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.



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Application No.: 09/930,329  
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Since this IDS was filed prior to the mailing date of the first Office Action (i.e., these are just copies of the references as requested by the Examiner, not a new IDS), **Applicants believe that no fee is due.** However, if there are any additional fees due in this application, please deduct from, or credit any overpayment to, Deposit Account No. 50-0893.

Respectfully submitted,

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**LIST OF REFERENCES CITED BY APPLICANT**  
(Use several sheets if necessary)

**PTO FORM 1449**

**COPY FROM PARENT**

ATTY. Docket No. <del>00001-010-0501</del> <b>60-003703US</b>	APPLICATION NO. <del>09/414,916</del> <b>09/430,329</b>
APPLICANT <b>Thomas H. TURPEN</b>	
FILING DATE <b>October 8, 1999</b>	GROUP <b>1638-1633</b>

**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1.	5,965,794	10/1999	Turpen	800	288	

**FOREIGN PATENT DOCUMENTS**

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	2.	7 195 191	3/12/92	AUSTRALIA				
	3.	0 067 553	12/22/82	EUROPE				
	4.	0 425 004	5/2/91	EUROPE				
	5.	0 194 809	9/17/86	EUROPE				
	6.	0 479 180	4/8/92	EUROPE				
	7.	0 573 767	12/1993	EUROPE				
	8.	0 278 667	8/17/88	EUROPE				
	9.	63-14693	1988	JAPAN				
	10.	91 13994	9/19/91	PCT				
	11.	90 12107	10/18/90	PCT				
	12.	89 08145	9/1989	PCT				

**OTHER REFERENCES**

(Including Author, Title, Date, Pertinent Pages, Etc.)

	13.	Ahlquist <i>et al.</i> , "Gene amplification and expression by RNA viruses and potential for further application to plant gene transfer", <i>Physiol. Plant</i> , Vol. 79, 1990, pp. 163-167.
	14.	Ahlquist <i>et al.</i> , <i>Viral Vectors</i> , 1988, pp. 183-189.
	15.	Barton <i>et al.</i> , <i>Plant Physiol.</i> , Vol. 85, 1987, pp. 1103-1109.
	16.	Butler <i>et al.</i> , "Molecular architecture and assembly of tobacco mosaic virus particles", <i>The Molecular Biology of the Positive Strand RNA Viruses</i> (Academic Press) 1987, pp. 237-257.
	17.	Cassidy <i>et al.</i> , "Construction and Analysis of a Viral Vector for Rapid Analysis of Gene Expression in Whole Plants", <i>Phytopathology</i> , Vol. 80, No. 10, 1990, pp. 1037.
	18.	Chapman <i>et al.</i> , "Potato virus X as a vector for gene expression in plants", <i>Plant Journal</i> , Vol. 2, No. 4, 1992, pp. 549-557.
	19.	Citovsky <i>et al.</i> , "How do Plant Virus Nucleic Acids Move Through Intercellular Connections?", <i>BioEssays</i> , Vol. 13, N. 8, 1992, pp. 373-379.

[99]

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



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PTO FORM 1449

COPY FROM PARENT

ATTY. Docket No. <del>00801-016-US01</del> <b>60-005703US</b>	APPLICATION NO. <del>09/414,916</del> <b>09/430,329</b>
APPLICANT <b>Thomas H. TURPEN</b>	
FILING DATE <del>October 8, 1999</del>	GROUP <b>16381633</b>

20.	Culver <i>et al.</i> , <del>Virology</del> <i>Proc. Natl. Acad. Sci. USA</i> (1993) <b>90:2055-2059.</b>
21.	Dawson, "Tobamovirus - Plant Interactions", <i>Virology</i> , Vol. 186, 1992, pp. 359-367.
22.	Dawson, "A Tobacco Mosaic Virus-Hybrid Expresses and Loses an Added Gene", <i>Virology</i> , Vol. 172, 1989, pp. 285-292.
23.	Dawson, "Regulation of Tobamovirus Gene Expression", <i>Adv. Virus Res.</i> , Vol. 38, 1990, pp. 307-342.
24.	Dawson <i>et al.</i> , "Host-Range Determinants of Plant Viruses", <i>Ann. Rev. Plant Physiol. Plant Mol. Biol.</i> , Vol. 43, 1992, pp. 527-555.
25.	Dawson <i>et al.</i> , "Modifications of the Tobacco Mosaic Virus coat Protein Gene Affecting Replication, Movement, and Symptomatology", <i>Phytopathology</i> , Vol. 78, No. 6, 1988, pps. 783-789.
26.	Deom <i>et al.</i> , "The 30-Kilodalton Gene Product of Tobacco Mosaic Virus Potentiates Virus Movements", <i>Science</i> , Vol. 237, 1987, pps. 389-394.
27.	Deom <i>et al.</i> , "Plant Virus Movement Proteins", <i>Cell</i> , Vol. 69, 1992, pps. 221-224.
28.	Dolja <i>et al.</i> , "Tagging of plant potyvirus replication and movement by insertion of $\beta$ -glucuronidase into the viral p olyprotein", <i>Proc. Natl. Acad. Sci.</i> , Vol. 89, 1992, pps 10208-10212.
29.	Donson <i>et al.</i> , "Systemic expression of a bacterial gene by a tobacco mosaic virus-based vector", <i>Proc. Natl. Acad. Sci.</i> , Vol. 88, 1991, pps. 7204-7208.
30.	<del>Fleischer <i>et al.</i>, "Methods in Enzymology," Vol. 53, 1973, pps. 737-755.</del> Duplicate of ref. # 50.
31.	French <i>et al.</i> , "Bacterial Gene Inserted in an Engineered RNA Virus: Efficient Expression in Monocotyledonous Plant Cells", <i>Science</i> , Vol. 231, 1986, pps 1294-1297.
32.	<del>Gelvin <i>et al.</i>, Kluwer Academic Publishers, Dordrecht, The Netherlands, Vol. A5, 1988, pps. 1-9.</del> Duplicate of ref. # 35.
33.	<del>Dunsmuir <i>et al.</i>, Plant Molecular Biology Manual</del> <del>Gelvin <i>et al.</i> (Kluwer Academic Publishers, Dordrecht, The Netherlands) Vol. C1, 1988, pps. 1-17.</del>
34.	<del>den Hartog</del> <del>Hartog <i>et al.</i>, "Chemical Synthesis of a Messenger Ribonucleic Acid Fragment", 1982, Vol. 21, pps 1009-1018</del> Biochemistry
35.	Horsch <i>et al.</i> , "Leaf disc transformation", <i>Plant Molecular Biology Manual</i> , Vol. A5, 1988, pps. 1-9.
36.	Joshi <i>et al.</i> , "Strategies for expression of foreign genes in plants", <i>FEBS Lett.</i> , Vol. 281, 1991, pps 1-8.
37.	Joshi <i>et al.</i> , "BSMV genome mediated expression of a foreign gene in dicot and monocot plant cells", <i>EMBO Jnl.</i> , Vol. 9, 1990, pps. 2663-2669.
38.	Jupin <i>et al.</i> , "Mapping Sequences Required for Productive Replication of Beet Necrotic Yellow Vein Virus RNA 3", <i>Virology</i> , Vol. 178, No. 1, 1990, pps. 273-280.
39.	Kearney <i>et al.</i> , <i>Virology</i> . <del>NEED YEAR ETC!</del> Vol. 192 (1993) pp. 1-7. "Low Level of Genetic Drift in Foreign Sequences Replicating in an RNA Virus in Plants"

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PTO FORM 1449

COPY FROM PARENT

ATTY. Docket No.

00801.010-0501

60-00370345

APPLICATION NO.

09/414,916

09/430,329

APPLICANT

Thomas H. TURPEN

FILING DATE

October 8, 1999

GROUP

1638/633

40.	Larkins <i>et al.</i> , <i>J. Cell. Biochem. Suppl. O</i> ; Vol. 9, Part C, 1985; pp. 264.
41.	Martelli, "Classification and Nomenclature of Plant Viruses: State of the Art", <i>Plant Disease</i> , Vol. 76, No. 5, 1992, pp. 436-442.
42.	Mori <i>et al.</i> , "Infectivity of plasmids containing brome mosaic virus cDNA linked to the cauliflower mosaic virus 35S RNA promoter, <i>Jrnl. Gen. Virology</i> , Vol. 72, No. 2, 1991, pps. 243-246.
43.	Mori <i>et al.</i> , <i>Jrnl. Gen. Virol.</i> , Vol. 73, No. 1, 1992, pps. 169-172.
44.	Ogawa <i>et al.</i> , "Trans Complementation of Virus-Encoded Replicase Components of Tobacco Mosaic Virus" <i>Virology</i> , Vol. 185, 1991, pps. 580-584.
45.	Ow <i>et al.</i> , "Transient and stable Expression of the Firefly Luciferase Gene in Plant Cells and Transgenic Plants", <i>Science</i> , Vol. 234, 1986, pps. 856-859.
46.	Potrykus, "Gene transfer to Plants: Assessment of Published Approaches and Results", <i>Annual Rev. Plant Physiol. Plant Mol. Biol.</i> , Vol. 42, 1991, pps 205-225.
47.	Raffo <i>et al.</i> , "Construction of Tobacco Mosaic Virus Subgenomic Replicons that are Replicated and Spread Systemically in Tobacco Plants", <i>Virology</i> , Vol. 184, 1991, pps 277-289.
48.	<del>Rowlands <i>et al.</i>, Academic Press, London, 1987, pps. 237-257.</del> Duplicate of ref. # 16.
49.	Saito <i>et al.</i> , "Long-Distance movement and Viral Assembly of Tobacco Mosaic Virus Mutants", <i>Virology</i> , Vol. 176, 1990, pps. 329-336.
50.	Shaw, "Chloramphenicol acetyltransferase from chloramphenicol-resistant bacteria", <i>Methods in Enzymology</i> , Vol. 53, 1975, pps. 737-755.
51.	Takamatsu <i>et al.</i> , "Expression of bacterial chloramphenicol acetyltransferase gene in tobacco plants mediated by TMV-RNA", <i>EMBO Jrnl.</i> , Vol. 6, 1987, pps 307-311.
52.	Takamatsu <i>et al.</i> , "Mutational Analysis of the Pseudoknot Region in the 3' Noncoding Region of Tobacco Mosaic Virus RNA", <i>Jrnl. Virology</i> , Vol. 64, 1990, pps. 3686-3693.
53.	Takamatsu, "Deletion Analysis of the 5' Untranslated Leader Sequence of Tobacco Mosaic Virus RNA", <i>Jrnl. Virol.</i> , Vol. 65, 1991, pps. 1619-1622.
54.	Takamatsu <i>et al.</i> , "Production of enkephalin in tobacco protoplasts using tobacco mosaic virus RNA vector", <i>FEBS Letters</i> , Vol. 269, 1990, pps. 73-76.
55.	Turpen, Ph.D., Dissertation, Univeristy of California, Riverside, 1992, pps. 72-87.
56.	Turpen, Ph.D., Dissertation, Univeristy of California, Riverside, 1992, pps. 88-105.
57.	Turpen, Ph.D., Dissertation, Univeristy of California, Riverside, 1992, pps. 106-136.
58.	Turpen <i>et al.</i> , "Amplification, movement and expression of genes in plants by viral-based vectors", <i>Transgenic plants: fundamentals and applications</i> , 1992, pps. 195-217. (Marcel Dekker, Inc., New York)
59.	Van Haute <i>et al.</i> , "Intergenic transfer and exchange recombination of restriction fragments cloned in pBR322: a novel strategy for the reversed genetics of the Ti plasmids of <i>Agrobacterium tumefaciens</i> ", <i>EMBO Jrnl.</i> , Vol. 2, 1983, pps. 411-417.

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PTO FORM 1449

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ATTY. Docket No.

APPLICATION NO.

00801.011 JS01

09/414,916

60-003703US

09/430,329

APPLICANT

Thomas H. TURPEN

FILING DATE

October 8, 1999

GROUP

1638 1633

60.	<del>Velten</del> Velten <i>et al.</i> , "Selection-expression of plasmic vectors for use in genetic transformation of higher plants", <i>NAR</i> , Vol. 13, No. 19, 1985, pps 6981-6998. <del>Nucleic Acids Res.</del>
61.	Walden <i>et al.</i> , "Techniques in plant molecular biology – progress and problems", <i>Eur. J. Biochem.</i> , Vol 192, No. 3, 1990, pps. 563-576.
62.	Yamaya <i>et al.</i> , "Expression of tobacco mosaic virus RNA in transgenic plants", <i>Mol. Gen. Genet.</i> , Vol. 211, 1988, pps. 520-525.
63.	Zaitlin <i>et al.</i> , "Plant Virus-host Interactions", <i>Ann. Rev. Plant Physiol.</i> , Vol. 38, 1987, pps 291-315.
64.	Zambryski <i>et al.</i> , "Ti plasmic vector for the introduction of DNA into plant cells without alteration of their <del>normal</del> regeneration capacity", <i>EMBO J. Biol.</i> , Vol. 2, 1983, pps. 2143-2150. <del>normal</del>
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